



The Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Professional Office Products

File: B-231596.2

Date: August 5, 1988

DIGEST

Protest filed more than 10 working days after the basis for protest was known or should have been known is untimely and will not be considered on the merits.

DECISION

Professional Office Products protests the issuance of a delivery order by the Immigration and Naturalization Service (INS) to Fixtures Furniture for the procurement of systems furniture (chairs) under the firm's Federal Supply Schedule (FSS) contract. Professional complains that the INS order exceeded the maximum order limitation (MOL) in Fixtures Furniture's FSS contract and, thus, was improper. We dismiss the protest as untimely.

The issuance of the delivery order, apparently in May 1988, was initially protested by GF Furniture Systems, the manufacturer of systems furniture sold by Professional, on May 31; GF protested, as does Professional, that the purchase of the chairs exceeded the MOL in Fixtures Furniture's FSS contract, and GF's protest letter indicated that a copy had been sent to Professional. GF subsequently withdrew its protest by letter of June 16, which also indicated that a copy had been sent to Professional. Professional seeks to reinstate the protest filed by GF.

Under our Bid Protest Regulations, 4 C.F.R. § 21.2(a)(2) (1988), a protest must be filed no later than 10 working days after the basis of protest was known or should have been known, whichever is earlier. Based on the record here it is clear that Professional learned the basis for its protest no later than its receipt of a copy of GF's protest letter dated May 19. Professional delayed filing its own protest until July 11, more than 10 working days after Professional should have learned the basis for protest,

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allowing a reasonable time for receipt of GF's letter. See generally Carr-Gottstein Properties, B-227750, Aug. 5, 1987, 87-2 CPD ¶ 131 (notification letter presumed to be received within 1 calendar week). Therefore, the protest is untimely. The fact that the same protest allegations were timely raised by GF does not render Professional's protest timely; each protest must independently satisfy the requirements of our Regulations. See generally P-B Engineering Co., B-2297339, Jan. 25, 1988, 88-1 CPD ¶ 71.

The protest is dismissed.

Ronald Berger

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